

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.1
Eastern Division**

Adrian Rangel

Plaintiff,

v.

Case No.: 1:19–cv–07020

Honorable Manish S. Shah

Twitter Foundation, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, October 25, 2019:

MINUTE entry before the Honorable Manish S. Shah: The court, on its own motion, dismisses plaintiff's complaint without prejudice for failure to state a claim. See *Shockley v. Jones*, 823 F.2d 1068, 1072 (7th Cir. 1987) ("[T]his circuit permits sua sponte dismissals based on Rule 12(b)(6)."). The complaint alleges that defendants violated plaintiff's constitutional rights when they suspended his Twitter account. Although the topics discussed on Twitter are often matters of public concern, the defendants are not alleged to be government actors. The constitutional rights cited in plaintiff's complaint—first, fourth, and fourteenth amendment rights—prohibit certain government action. Nothing in the complaint suggests government action; the claims are entirely directed at the actions of private parties. Plaintiff alleges diversity of citizenship, which would confer federal-court jurisdiction over a claim based on a violation of state law (like breach of contract), but no such claim is alleged. A lawsuit seeking money damages based on a violation of the constitution is permitted by 42 U.S.C. § 1983, but such a claim requires an allegation that the defendant was acting under color of state law. See *L.P. v. Marian Catholic High Sch.*, 852 F.3d 690, 696 (7th Cir. 2017). The complaint is dismissed without prejudice to filing an amended complaint that states a cause of action. Any amended complaint must be filed by November 15, 2019. If no amended complaint is filed, this dismissal will convert to a dismissal with prejudice and the clerk will enter judgment terminating the case. Notices mailed. (psm,)

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